

Exhibit No. 2

AFFIDAVIT

STATE of HAWAII

CITY OF HONOLULU

IN RE: Raymond E. Ware v. TSA

Case No. 7-03-7200

*Continuation, No. 7-03-7200, 020*

I, Kevin R. Byrnes, affirm the truth of the following statement freely and voluntarily to Ron Lehman who has identified himself to me as a contract EEO Investigator. I am aware that this statement may be used in evidence, that it is not confidential and that it may be shown to any interested party to the complaint investigation.

I am Kevin R. Byrnes, the Training Coordinator for Honolulu International Airport (HNL), Department of Homeland Security, Transportation Security Administration (TSA). I have been in this position since November 3, 2002. As the Training Coordinator I am responsible for overseeing all training aspects, including re-certification of all TSA screeners assigned to HNL.

According to TSA Management Directive No. 1900.4, FY03-04 Annual Proficiency Review, all screeners are required to undergo an Annual Proficiency Review (APR) or Re-certification in accordance with the Aviation and Transportation Security Act (Public Law 107-71). The Re-certification test is comprised of three mandatory Modules, to wit: Module #1 (Job Knowledge), Module #2 (Image Proficiency) and Module #3 (Practical Skills Demonstration).

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*KRB*

Modules #1 and #2 were administered to all screeners at HNL by myself or Kathleen Yee (another Training Coordinator with TSA). This included screener Raymond Ware. Module #3 of Re-certification was administered by TSA contractor, Lockheed-Martin, to all Honolulu screeners, including Mr. Ware. Although, Mr. Ware passed Modules #1 and #2, he failed both the test and the re-take test for Module #3 administered by Lockheed-Martin. Under TSA Management Directive No. 1900.4, FY03-04 Annual Proficiency Review, any screener who fails Re-certification will be removed from employment.

I have read the above statement consisting of 2 pages and I declare under the penalty of perjury that my statement is true, correct, and complete to the best of my knowledge, information, and belief. I understand that the information I have given is not to be considered confidential and that it may be shown to the interested parties to the investigation and complaint settlement.

Kevin Byson  
signature

4/16/04  
date

Donald J. Schuman  
investigator's signature

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